

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A. DREW )  
EDMONDSON, in his capacity as ATTORNEY )  
GENERAL OF THE STATE OF OKLAHOMA )  
and OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TROBERT, in his )  
capacity as the TRUSTEE FOR NATURAL )  
RESOURCES FOR THE STATE OF )  
OKLAHOMA, )

Plaintiff, )

vs. )

TYSON FOODS, INC., INC., TYSON )  
POULTRY, INC., TYSON CHICKEN, INC., )  
COBB- VANTRESS, INC., AVIAGEN, INC., )  
CAL-MAINE FOODS, INC., CAL-MAINE )  
FARMS, INC., CARGILL, INC., CARGILL )  
TURKEY PRODUCTION, LLC, GEORGE'S, )  
INC., GEORGE'S FARMS, INC., PETERSON )  
FARMS, INC., SIMMONS FOODS, INC., and )  
WILLOW BROOK FOODS, INC., )

Defendants. )

Case No. 05-CV-329-GKF-SAJ

**OPINION AND ORDER**

Comes on for determination following telephonic hearing held on March 26, 2008, State of Oklahoma's Motion for Extension of Time to Comply with Certain Requirements of the Amended Scheduling Order (Dkt. #1376),[Dkt. #1618]. Specifically, Plaintiff seeks an extension of four (4) months from the current date of April 1, 2008, to produce expert witness reports on all issues except damages. The court, having heard the argument and authority presented at hearing and in the filings, finds the motion should be granted in part and denied in part.

The court finds Plaintiff has established good cause for a brief extension of the

expert report date based upon the time required in preparation for, and presentation of , the hearing on motion for preliminary injunction. Further, Plaintiff did not receive the number of birds located within the watershed from Defendants until January, 2008. However, a four (4) month extension is not warranted. The court finds an extension of forty-five (45) days should be granted.

Defendant Peterson Farms, Inc., orally moved for an extension of other upcoming dates, except expert reports on damages, equal to the extension granted to Plaintiff. The court finds this is a reasonable request which does not interfere with a September, 2009 trial. Accordingly, the Amended Scheduling Order is modified as follows:

Plaintiff's Expert Reports on all Issues Except Damages	May 15, 2008
Defendants' Expert Report on all Issues Except Damages	August 14, 2008
Exchange of Final Fact Witness Lists	February 19, 2009
Discovery Cut-Off	April 16, 2009
Dispositive Motion deadline	May 18, 2009
Motions to Set Pretrial Conference Date and Time, Date for Submitting Pretrial Order and Trial Date	April 16, 2009

All other dates remain as previously scheduled. No further extensions to the trial schedule will be granted absent good cause shown.

IT IS SO ORDERED THIS 27<sup>TH</sup> DAY OF MARCH, 2008.

  
Sam A. Joyner  
United States Magistrate Judge